

**Board of Supervisors Hearing Date: February 26, 2008**

**Case Summary: Project No. 03-249-(5) –Conditional Use Permit Case No. 03-249-(5),  
Oak Tree Permit Case No. 2005-00051-(5); Vesting Tentative Tract Map No.  
060259**

**Project Applicant: Synergy-Brookfield, LLC**

**RPC Hearing Dates:** July 12, 2006; September 13, 2006; December 13, 2006

**RPC Consent Approval Date:** June 6, 2007

### **Synopsis**

The Regional Planning Commission (“Commission”) approved Project No. 03-249-(5), a residential development of 492 single-family lots along with 37 open space lots (including landscaped and natural open space), three park lots, one water pump station lot, 14 public facility lots and one water tank lot on 500.6 gross acres, located at the northeasterly extension of Shadow Pines Boulevard in the Soledad Zoned District. The project also included a request for approval of a conditional use permit (“CUP”) to ensure compliance with the requirements of hillside management, density-controlled development, and onsite project grading, and an oak tree permit to authorize the removal of 72 oak trees and encroachment into the protected zone of 71 oak trees. Project features include a 16-acre public park to be constructed by the applicant, including active recreation including soccer, baseball and basketball as well as an accessible playground, community building and picnic areas; a gated secondary private driveway and fire lane providing emergency access from the project northerly; and an extension of the trails system through the project.

A Final Environmental Impact Report was prepared for this project, which concluded that impacts to air quality (project and cumulative), biological resources (project and cumulative), educational facilities, libraries and parks (cumulative), solid waste (cumulative), police services (cumulative), and growth inducement (project) could not be mitigated to less than significant. A Statement of Overriding Considerations was adopted by the Commission as part of their approval of the project.

### **Project Proponents**

The applicant and their representatives as well as members of the public (15 speakers, 15 letters) testified in favor of the project. Testimony in support included the project’s provision of all-weather access for adjacent residents, removal of nuisances from the property with development, and anticipation of quality homes within the project as well as from Shane’s Inspiration of the project’s inclusion of universally accessible play equipment.

### **Project Opposition**

Testimony was also received (10 speakers, 21 letters) in opposition to the project. Concerns raised in testimony included water quality, responsibility for maintenance of the private access driveway leading to properties to the east past the public park, the loss of environmental resources and wildlife as well as the number of lanes on Shadow Pines Boulevard.

## **Issues**

- Although the project size is below the threshold established by state law, the project's EIR includes a Water Assessment analysis, which concluded that water is available for this project. The Final EIR was certified by the Commission before the recent delta smelt court decision; however, recent information from the water purveyors indicate that water supply is still adequate in light of the court decision.
- The Commission in its action, changed the timing of the park for its full construction and dedication to Department of Parks and Recreation, to be required prior to issuance of the 101st building permit.
- The gate and offsite driveway access for properties to the northeast of the subject property ("behind the park") will be maintained by this project's homeowners association.

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